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DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2018L012571

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

NORMA BENAVIDEZ,

Plaintiff,

v.

WALMART, INC. a Delaware Corporation,
D/B/A SAM'S CLUB

Defendant.

No. 2018L012571

COMPLAINT AT LAW

NOW COMES the Plaintiff, NORMA BENAVIDEZ, by and through her attorneys, THE LAW OFFICE OF HOWARD S. ABRAMS LLC., and complains of the Defendant WALMART, INC. a Delaware Corporation, D/B/A SAM'S CLUB (hereinafter referred to as Sam's Club), of the following:

1. On or about November 20, 2016, the Defendant SAM'S CLUB, operated, managed, maintained, controlled, supervised, the premises, located at or near 2450 Main Street, in the City of Evanston, County of Cook, State of Illinois.
2. That at all relevant times hereto and on the aforesaid date and time, the plaintiff NORMA BENAVIDEZ was lawfully on the premises.
3. That at all times relevant, including the aforementioned date and time, Defendant SAM'S CLUB, owed a duty to exercise ordinary care in keeping its premises in a reasonable safe condition for the Plaintiff and all other persons lawfully on the premises.
4. At the time of the occurrence, Plaintiff NORMA BENAVIDEZ, exercised due care and caution for her own safety.



5. That at all times relevant, and for a long time prior and subsequent thereto, the Defendant SAM'S CLUB performed, maintained and controlled the maintenance services for the property, at the aforementioned premises.

6. That at all times relevant hereto, Defendant SAM'S CLUB, individually and by and through its agents, servants and employees on its behalf had a duty to exercise ordinary care and caution in and about the operation, management, maintenance and control of said premises, so that same would be in a good, safe and proper condition for persons legally and lawfully in and upon the premises to use, occupy and walk upon and so as not to cause harm and injury to such persons.

7. That nevertheless, in disregard of the aforementioned duties, SAM'S CLUB, individually and by and through its agents, servants and employees on its behalf, at the aforementioned date, place and time, negligently operated, managed, maintained and controlled said premises, thereby causing the plaintiff to slip and/or trip and fall onto the ground with great force due to the unsafe, defective, hazardous, improperly maintained and dangerous condition, whereby the plaintiff was severely injured.

8. That at the aforementioned date, place and time, Defendant SAM'S CLUB individually and by and through its agents, servants and employees in its behalf, was guilty of one or more of the following acts and/or omissions:

- (a) Failed to maintain the premises in a reasonably safe condition for pedestrian traffic when it knew or in the exercise of ordinary care should have known that the failure to adequately maintain the premises would cause a tripping and/or slipping hazard;
- (b) Caused and/or allowed the premises to be and remain in an unreasonably dangerous defective condition when it knew or allowed said unreasonably dangerous defective condition to exist for such a length of time that it should have known of the unreasonably dangerous defective condition;

- (c) Caused and/or allowed the premises to be and remain in an unreasonably dangerous defective condition when it was reasonably foreseeable that it would be dangerous to pedestrians who not realizing the danger would be injured thereon and thereat;
- (d) Failed to provide a safe place to walk for the Plaintiff;
- (e) Failed to warn the Plaintiff of the dangerous condition;
- (f) Failed to clean up the dangerous condition;
- (g) Failed to place warning signs of the dangerous condition;
- (h) Failed to remove dangerous condition from the store floor
- (i) Was otherwise careless and negligent.

14. That as a direct and proximate result of one or more of the aforesaid acts of negligence or omissions on the part of Defendant SAM'S CLUB, the Plaintiff sustained severe and permanent disabling injuries and suffered acute and prolonged physical and mental pain and anguish by reason of which Plaintiff has expended large sums of money for medical care and attention to her injuries and will in the future incur such further obligations. Further, Plaintiff has been unable to attend to her normal affairs and duties and has lost thereby great gains and profits which she would have otherwise made and/or acquired.

WHEREFORE, Plaintiff NORMA BENAVIDEZ, prays for judgment against Defendant WALMART, INC., a Delaware Corporation D/B/A SAM'S CLUB, in a sum in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with his costs in bringing this action.

By: /s Howard S. Abrams
Attorney for Plaintiff

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AFFIDAVIT

The undersigned, one of the Attorneys for the Plaintiffs herein, states that this is a civil action seeking money damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes that same to be true.

By: /s Howard S. Abrams

Attorney for Plaintiff

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